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Attorneys for Defendants
UNIVERSITY OF ALASKA BOARD OF
REGENTS AND UNIVERSITY OF
ALASKA SYSTEM

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THERESA DUTCHUK, ANNALISA
HEPPNER, LIZ ORTIZ, JOANNA WELLS,
NORMA JOHNSON, AND JANE DOE VI,

Plaintiffs,

v.

DAVID YESNER, UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
UNIVERSITY OF ALASKA SYSTEM,

Defendants.

Case No. 3:19-cv-00136-HRH

**DEFENDANTS' UNIVERSITY OF ALASKA BOARD OF REGENTS
AND UNIVERSITY OF ALASKA SYSTEM ANSWER AND AFFIRMATIVE
DEFENSES TO CROSS-CLAIM**

Defendants University of Alaska Board of Regents and University of Alaska
System (collectively, "the University"), by and through their attorneys, Perkins Coie
LLP, hereby answer Defendant David Yesner's Cross-claim.

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1. The University admits the allegations contained in paragraph 1.

2. The allegations contained in paragraph 2 contain allegations of law for which no response is required. To the extent a response is required, the University denies the same.

3. The allegations contained in paragraph 3 do not pertain to the University and the University denies the same.

4. The University admits that Yesner has tendered defense and indemnity of the underlying litigation.

5. The University admits that it has denied tender of defense and indemnity as stated in paragraph 5.

6. The University admits the allegations contained in paragraph 6.

AFFIRMATIVE DEFENSES

The University asserts the following Affirmative Defenses and reserves the right to assert all other and further affirmative defenses, at law or in equity, that now exist or in the future may be available based on discovery and further factual investigation in this case.

1. Defendant Yesner has failed to plead allegations supporting his cross-claim with sufficient particularity and has otherwise failed to state a claim upon which

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relief may be granted.

2. The University owes no duty to defend or indemnify Yesner under any applicable statute, bylaw or other asserted source of an alleged obligation.

3. Yesner's cross-claim is barred in whole or in part to the extent that Yesner, by virtue of his past conduct, is estopped from asserting any claim for defense or indemnity.

4. Yesner's prior knowledge of deliberate bad acts bars a claim for defense or indemnity.

5. Yesner's cross-claim is barred to the extent it seeks defense or coverage for matters alleging, arising out of, based upon or attributable to demands, suits, proceedings or formal investigations pending on, before, or after the dates of any employment relationship between he and the University.

6. Yesner's cross-claim is barred by estoppel, waiver and laches.

7. Yesner has failed to come to court "with clean hands."

8. Yesner's claims are barred by the applicable statute of limitations.

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DATED: January 14, 2020.

PERKINS COIE LLP

s/Danielle M. Ryman
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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2020 I filed a true and correct copy of the foregoing document with the Clerk of the Court for the United States District Court – District of Alaska by using the CM/ECF system. Participants in Case No. 3:19-cv-00136-HRH who are registered CM/ECF users will be served by the CM/ECF system.

s/ Danielle M. Ryman

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